

## CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

### DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURES - Revised 2.71a

#### Introduction

These procedures are intended to create and preserve an educational and working environment free from discrimination and harassment on the basis of race, color, religion, ethnic or national origin, age, disability, veteran or military status, marital status, pregnancy, sex, gender, gender identity or expression, or sexual orientation. These procedures are intended to further the District's commitment to provide a healthy and productive environment for all students, employees and “non-employees” (i.e., contractors, subcontractors, vendors, consultants and volunteers) that promotes respect, dignity and equality.

The School Board recognizes that the District has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The School Board prohibits harassment and/or discrimination based on the above protected classifications as well as retaliation following the good faith report of harassment and/or discrimination based on one of these enumerated protected classifications in the educational or workplace environment and adopts these uniform procedures to address complaints of such prohibited behavior.

#### Role of the Title IX Coordinator

The Title IX Coordinator is the person designated by the Superintendent to coordinate compliance with Title IX and the District's equity policies. The contact information for the District's Title IX Coordinator is included directly below.

Office of the Title IX Coordinator  
1960 Landings Boulevard  
Sarasota, FL 34231  
(941) 927-9000

The Title IX Coordinator's contact information shall be included in the Title IX section of the District's website, as well as in the student and employee handbooks. The Title IX Coordinator or his/her designee will be available during regular school/work hours to discuss concerns related to discrimination, harassment, and retaliation.

The Title IX Coordinator will receive reports or complaints from employees regarding discrimination and harassment based on race, color, religion, ethnic or national origin, age, disability, veteran or military status, marital status, pregnancy, sex, gender, gender identity or expression, or sexual orientation; reports or complaints of retaliation for engaging in the good faith reporting of or other protected activity related to discrimination or harassment based on an enumerated protected classification; and oversee the investigative process for these reports. The Title IX Coordinator will ensure that any investigation is conducted by an impartial investigator who has been trained in the requirements of equal educational opportunity, including discrimination and harassment, and who is able to apply procedural and substantive standards which are necessary and applicable to identify discrimination and harassment, and

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take other appropriate action to rectify the damaging effects of any prohibited discrimination or harassment, including supportive measures for the claimant during the course of the investigation.

The Title IX Coordinator will be responsible for collecting and maintaining copies of all complaint forms that are submitted by students and employees pursuant to this policy, as well as documentation from all subsequent investigations and resolutions, including for both informal and formal complaints.

The Title IX Coordinator will also be responsible for assessing the training needs of the District's students and employees in connection with dissemination, comprehension, and compliance with this policy, as well as arrange for necessary training required for compliance with this policy. The Title IX Coordinator will annually report to the School Board on the use and efficacy of the Policy Prohibiting Discrimination and Harassment and these procedures. Recommendations for changes to the policy and procedures, if applicable, shall be included in the report. The Title IX Coordinator is encouraged to involve staff, students, and volunteers and parents in the review process.

### **Role of the Title IX Officer**

Each school in the District will have a designated "Title IX Officer." The Principal, Assistant Principal or a designee from each school will serve in this role. Within each school, the Title IX Officer will receive reports and complaints from students regarding discrimination and harassment based on race, color, religion, ethnic or national origin, age, disability, veteran or military status, marital status, pregnancy, sex, gender, gender identity or expression, or sexual orientation; and oversee the investigative process for these reports. The Title IX Officer will ensure that any investigation is conducted by an impartial investigator who has been trained in the requirements of equal educational opportunity, including discrimination, harassment, and who is able to apply procedural and substantive standards which are necessary and applicable to identify discrimination, harassment, and retaliation and take other appropriate action to rectify the damaging effects of any prohibited discrimination or harassment, including supportive measures for the claimant during the course of the investigation.

The Title IX Officer for each school will be responsible for providing to the District's Title IX Coordinator copies of all complaint forms that are submitted pursuant to this policy, as well as documentation and evidence from all subsequent investigations and resolutions.

### **Investigation – Complaint Procedure (Students)**

The formal complaint process as described below shall pertain to: (1) complaints of discrimination and harassment against students based on the protected classifications enumerated in this policy and (2) complaints of retaliation against students following the good faith reporting of discrimination or harassment based on such enumerated protected classifications.

A student that has been subjected to such discrimination, harassment, or retaliation, or who is otherwise aware of the occurrence of such conduct regarding another student, shall file a complaint, either orally or in writing with the Title IX Officer. If a student informs any other

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employee of the District, either orally or in writing, about any such complaint of discrimination, retaliation, or harassment, that employee must immediately report such information to the Title IX Officer.

The Title IX Officer will determine whether or not the complaint alleges discrimination, harassment, and/or retaliation in violation of School Board policy. If it is determined that the complaint does not allege facts that, even if true, constitute prohibited discrimination or harassment based on a protected classification or retaliation for such good faith reporting of it, the alleged victim will be notified in writing that the complaint will be assigned to the appropriate administrator for appropriate disposition. If it is determined that the complaint sufficiently alleges prohibited discrimination or harassment, the complaint will be investigated in accordance with the process described herein. Based on the severity of the complaint, the Title IX Officer should determine whether the involvement of the SRO is required. If it is believed that criminal conduct or conduct that otherwise triggers a reporting obligation occurred as defined under Florida law, all mandatory reporting requirements shall be followed.

All complaints shall include the following information to the extent it is available: (1) the identity of the respondent; (2) a detailed description of the facts upon which the complaint is based; (3) a list of potential witnesses; and (4) identification of any evidence in support of the allegation.

If the reporting student is unwilling to complete a complaint form or provide a written statement including the information set forth above, the Title IX Officer, or his/her designee, shall ask for such details in an oral interview in order to assist in completing the complaint form or documenting the complaint. The Title IX Officer, or his/her designee, will then prepare a written summary of the oral interview which will be presented to the reporting student for verification by signature.

Upon receiving a complaint, the Title IX Officer or his/her designee will consider whether any immediate corrective action should be taken in the investigatory phase to protect the alleged victim from further discrimination, harassment or retaliation including but not limited to, a change of class schedule (see Policy Prohibiting Discrimination and Harassment for additional information on supportive measures) or otherwise separating the person being harassed, discriminated against, or retaliated against and the respondent. In making such a determination, the Title IX Officer or his/her designee shall promptly consult with the alleged victim or the alleged victim's parents or guardians if the alleged victim is a minor, to assess his/her agreement to any action deemed appropriate. If the alleged victim is unwilling to consent to any change which is deemed appropriate by the Title IX Officer or his/her designee, the Title IX Officer or his/her designee shall still take whatever actions he/she deem appropriate in consultation with the Superintendent and/or School Board Attorney.

Upon receiving a valid complaint of prohibited discrimination, harassment or retaliation, the Title IX Officer or his/her designee shall inform the respondent in writing (with a copy to alleged victim) that a complaint has been received. This written notice will include sufficient details of the allegations known at the time and a copy of these administrative procedures and the School Board's Policy Prohibiting Discrimination and Harassment.

In order to be in compliance with Title IX regulations pertaining specifically to incidents that

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meet the definition of sexual harassment in schools, upon receiving a valid complaint that outlines:

- An instance of quid pro quo harassment by a school employee;
- Any unwelcome conduct that a reasonable person would find so severe *and* pervasive, and objectively offensive that it denies a person equal educational access; or
- Any instance of sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA),

the Title IX Officer or his/her designee shall inform the respondent in writing (with a copy to alleged victim) that a complaint has been received. Such notice shall include sufficient details of the allegations known at the time and a copy of these administrative procedures and the School Board's Policy Prohibiting Discrimination and Harassment as well as a statement that the respondent is presumed not responsible for the alleged conduct until a determination of responsibility is made at the conclusion of the investigation. Both parties (alleged victim and respondent) will be informed that they may have an advisor of their choice, who may be, but is not required to be an attorney, accompany them at interviews and inspect and review evidence.

The Title IX Officer or a designee will thereafter promptly initiate a thorough and impartial investigation to determine whether the alleged victim has been subject to discrimination, harassment, or retaliation in violation of School Board policy. Depending on the circumstances of the complaint, the School Board also reserves the right to retain an outside, independent attorney or investigation firm to conduct the investigation.

Although certain cases may require additional time, the Title IX Officer or a designee will attempt to complete an investigation into the allegations of discrimination or harassment as soon as reasonably possible, or within 45 calendar days of receiving the formal complaint, depending on the complexity of the allegations. However, this timeline may be extended if/when the Title IX Officer receives a request from the Department of Children and Family Services or law enforcement to pause the investigation, or if the Title IX Officer is waiting for reports from either of these entities.

The investigation will include:

- One or more interviews of the alleged victim.
- One or more interviews of the respondent.
- Interviews of any other witnesses who may reasonably be expected to have information relevant to the allegations.
- Consideration of any documentation or other evidence presented by the alleged victim, respondent, or any other witness which is reasonably believed to be relevant to the allegations. The investigating Title IX Officer shall make best efforts to preserve all evidence considered during the investigation, including an expiring evidence such as

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video footage.

In order to be in compliance with Title IX regulations pertaining specifically to incidents that meet the definition of sexual harassment in schools, upon promptly initiating a thorough and impartial investigation based on one of the enumerated above-bulleted types of sexual harassment, the Title IX Officer shall thereafter provide written notice to any individual whose participation is requested in an interview, including notice of the date, time and location, participants, and purpose of the interview, with sufficient time for the individual to prepare to participate. Throughout the course of this process, the Title IX Officer, or his/her designee, should keep both parties informed of the status of the investigation and the decision making process. The Title IX Officer shall provide copies of all evidence reviewed and summaries of the witness interviews in a preliminary report to both parties for their review. This preliminary report will not include a determination of findings. The parties shall each have ten days to review the evidence contained in the preliminary report, address any perceived discrepancies, and provide written questions for the investigator to ask of the other party. If written questions are submitted, the investigator will determine the relevance and appropriateness of the additional questions to be asked of the other party.

At the conclusion of the investigation, a final written report shall be prepared as soon as reasonably possible which summarizes the evidence gathered during the investigation and provides the investigator's analysis and conclusions based on the evidence. The Title IX Officer will then provide a copy of the written report to the school's designated decision-maker, who will make a determination based on the evidence as to whether the alleged victim has been subject to discrimination, harassment, or retaliation in violation of School Board policy. The determination must be based upon a consideration of the totality of circumstances, including the ages and maturity levels of those involved, applying a preponderance of the evidence standard. This evidentiary standard requires that, before a policy violation may be found, there must be sufficient credible evidence to conclude that the claim of discrimination or harassment is more likely true than not true. If the evidence on a particular allegation is equally balanced, then that allegation has not been proven by a preponderance of the evidence. The decision-maker's determination that the evidence does or does not establish by a preponderance of the evidence a violation of School Board policy will be added to the final written report, along

with the recommended sanction or disciplinary action, if applicable. If the investigation reveals that: (1) discrimination or harassment occurred but that it was not based on an enumerated protected classification, or (2) retaliation occurred but that it was not based on a good faith report of or other protected activities concerning discrimination or harassment based on protected classifications, the report shall clearly outline such determinations.

In order to be in compliance with Title IX regulations pertaining specifically to incidents that meet the definition of sexual harassment in schools, a copy of the final report of an investigation based on one of the enumerated above-bulleted types of sexual harassment, including the decision-maker's determination, will be provided to both the alleged victim and the respondent. The parties shall each have ten days to review the final report, during which time they may choose to accept the findings or write an appeal. A copy of the final report will be provided to the Title IX Coordinator for retention.

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The formal complaint process as described below shall pertain to non-students such as employees, contractors, vendors, volunteers, and visitors: (1) making complaints of discrimination and harassment based on the protected classifications enumerated in this policy in the work environment and (2) making complaints of retaliation following the good faith reporting of such discrimination or harassment based on such enumerated protected classifications.

A person that that has been subjected to such discrimination, harassment, or retaliation, or who is otherwise aware of the occurrence of such conduct, shall file a complaint, either orally or in writing with the District's Title IX Coordinator. If any reporting party informs any other employee of the District, either orally or in writing, about any complaint of discrimination, harassment, or retaliation that employee is encouraged to report such information to the Title IX Coordinator.

The Title IX Officer will determine whether or not the complaint alleges discrimination, harassment, and/or retaliation in violation of School Board policy. If it is determined that the complaint does not allege facts that, even if true, constitute prohibited discrimination or harassment based on a protected classification or retaliation for such good faith reporting of it, the alleged victim will be notified in writing that the complaint will be assigned to the appropriate administrator for appropriate disposition. If it is determined that the complaint sufficiently alleges prohibited discrimination or harassment, the complaint will be investigated in accordance with the process described herein. Based on the severity of the complaint, the Title IX Coordinator should determine whether the involvement of an SRO is required. If it is believed that criminal conduct or other conduct that triggers a reporting obligation occurred as defined under Florida law, all mandatory reporting requirements shall be followed.

All complaints must include the following information to the extent it is available: (1) the identity of the respondent; (2) a detailed description of the facts upon which the complaint is based; (3) a list of potential witnesses; and (4) identification of any evidence in support of the allegation.

If the reporting party is unwilling to complete a complaint form or provide a written statement including the information set forth above, the Title IX Coordinator, or his/her designee, shall ask for such details in an oral interview in order to assist in completing the complaint form or documenting the complaint. The Title IX Coordinator, or his/her designee, will then prepare a written summary of the oral interview which will be presented to the Reporting Party for verification by signature.

Upon receiving a complaint, the Title IX Coordinator or his/her designee will consider whether any immediate corrective action should be taken in the investigatory phase to protect the alleged victim from further discrimination, harassment or retaliation including but not limited to, a change of job assignment or separation of the respondent from the alleged victim (see Policy Prohibiting Discrimination and Harassment for additional information on supportive measures). In making such a determination, the Title IX Coordinator or his/her designee should consult with the alleged victim to assess his/her agreement to any action deemed appropriate. If the alleged victim is unwilling to consent to any change which is deemed appropriate by the Title IX Coordinator or his/her designee, the Title IX Coordinator or his/her designee shall still

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take whatever actions he/she deem appropriate in consultation with the Superintendent and/or School Board Attorney.

If the respondent to the complaint is the Superintendent or any other member of District leadership whose involvement as a party represents a conflict of interest for the Title IX Coordinator, the School Board should appoint an outside investigator to conduct the investigation and report to the School Board.

Upon receiving a valid complaint of prohibited discrimination, harassment, or retaliation the Title IX Coordinator or his/her designee will inform the respondent in writing (with a copy to the alleged victim) that a complaint has been received. This written notice will include sufficient details of the allegations known at the time and a copy of these administrative procedures and the School Board's Policy Prohibiting Discrimination and Harassment.

In order to be in compliance with Title IX regulations pertaining specifically to incidents that meet the definition of sexual harassment in schools, upon receiving a valid complaint that outlines:

- An instance of quid pro quo harassment by a school employee;
- Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; or
- Any instance of sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA),

the Title IX Officer or his/her designee shall inform the respondent in writing (with a copy to alleged victim) that a complaint has been received. Such notice shall include sufficient details of the allegations known at the time and a copy of these administrative procedures and the School Board's Policy Prohibiting Discrimination and Harassment as well as a statement that the respondent is presumed not responsible for the alleged conduct until a determination of responsibility is made at the conclusion of the investigation. Both parties (alleged victim and respondent) will be informed that they may have an advisor of their choice, who may be, but is not required to be an attorney, accompany them at interviews and inspect and review evidence.

The Title IX Coordinator or a designee will thereafter promptly initiate a thorough and impartial investigation to determine whether the alleged victim has been subject to discrimination, harassment, or retaliation in violation of School Board policy. Depending on the circumstances of the complaint, the School Board also reserves the right to retain an outside, independent attorney or investigation firm to conduct the investigation.

Although certain cases may require additional time, the Title IX Coordinator or a designee will attempt to complete an investigation into the allegations of discrimination, harassment, or retaliation within 45 calendar days of receiving the formal complaint. The investigation will include:

- One or more interviews of the alleged victim.

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- One or more interviews of the respondent, ensuring that the Weingarten Rights of any unionized employee and other rights under applicable collective bargaining agreements are observed in the process.
- Interviews of other witnesses who may reasonably be expected to have information relevant to the allegations.
- Consideration of any documentation or other evidence presented by the alleged victim, respondent, or any other witness which is reasonably believed to be relevant to the allegations. The investigating Title IX Officer shall make best efforts to preserve all evidence considered during the investigation, including an expiring evidence such as video footage.

In order to be in compliance with Title IX regulations pertaining specifically to incidents that meet the definition of sexual harassment in schools, upon promptly initiating a thorough and impartial investigation based on one of the enumerated above-bulleted types of sexual harassment, the Title IX Coordinator or his/her designee shall provide written notice to any individual whose participation is requested in an interview, including notice of the date, time and location, participants, and purpose of the interview, with sufficient time for the individual to prepare to participate. Throughout the course of this process, the Title IX Coordinator, or his/her designee, should keep both parties (alleged victim and respondent) informed of the status of the investigation and the decision making process. The Title IX Coordinator or his/her designee shall provide copies of all evidence reviewed and summaries of the witness interviews in a preliminary report to both parties for their review. This preliminary report will not include a determination of findings. The parties shall each have ten days to review the evidence contained in the preliminary report, address any perceived discrepancies, and provide written questions for the investigator to ask of the other party. If written questions are submitted, the investigator will determine the relevance and appropriateness of the additional questions to be asked of the other party.

At the conclusion of the investigation, a final written report shall be prepared as soon as reasonably possible which summarizes the evidence gathered during the investigation, and provides the investigator's analysis and conclusions based on the evidence. The Title IX Coordinator will then provide a copy of the written report to the Executive Director of Human Resources, who will make a determination based on the evidence as to whether the alleged victim has been subject to discrimination or harassment in violation of School Board policy. The determination must be based upon the totality of circumstances, applying a preponderance of the evidence standard. This evidentiary standard requires that, before a policy violation may be found, there must be sufficient credible evidence to conclude that the claim of discrimination or harassment is more likely true than not true. If the evidence on a particular allegation is equally balanced, then that allegation has not been proven by a preponderance of the evidence. The Executive Director of Human Resources' determination that the evidence does or does not establish by a preponderance of the evidence a violation of School Board policy will be added to the final written report, along with the recommended sanction or disciplinary action, if applicable.

In order to be in compliance with Title IX regulations pertaining specifically to incidents that meet the definition of sexual harassment in schools, a copy of the final report of ~~an~~ the



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investigation based on one of the enumerated above-bulleted types of sexual harassment, including the Executive Director of Human Resources' determination, will be provided to both the alleged victim and the respondent. The parties (alleged victim and respondent) shall each have ten days to review the final report, during which time they may choose to accept the findings or write an appeal. A copy of the final report will be retained by the Title IX Coordinator.

### **Notification to Parents or Legal Guardians**

Parents/legal guardians of student claimants and respondents shall be promptly notified of claims alleging a violation of the Policy Prohibiting Discrimination and

Harassment, except in limited circumstances when the Title IX Officer (or designee) determines that such notification would result in abuse, abandonment, or neglect as those terms are used in F.S. 39.01.. In applicable cases, notification to the parents/legal guardians may be made by telephone, writing, or personal conference. All parents/legal guardians of student claimants and respondents who have received notification may participate at each stage of the investigation. The frequency of notification and follow-up reports to parents/legal guardians will be dependent on the seriousness of the complaint. All notifications shall be consistent with student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

### **External Remedies**

Reporting parties have the right to register discrimination and harassment complaints with the U.S. Department of Education's Office for Civil Rights (OCR) at (800) 421-3481, 400 Maryland Avenue SW, Washington, DC 20202 or <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.

Certain reporting parties, such as employees, also have the right to register complaints with the federal Equal Employment Opportunity Commission (EEOC) and the Florida Commission on Human Relations (FCHR). The EEOC can be contacted at (800) 669-4000, <https://www.eeoc.gov/employees/howtofile.cfm>, [info@eeoc.gov](mailto:info@eeoc.gov), or at 100 SE 2<sup>nd</sup> Street, Suite 1500, Miami, Florida 33131 or 501 East Polk Street, Suite 1000, Tampa, Florida 33602. The FCHR can be contacted at (800) 342-8170, <http://fchr.myflorida.com>, or at 4075 Esplanade Way, Room 110, Tallahassee, Florida 32399.

### **Allegations Constituting Criminal Conduct / Mandatory Reporting Requirements**

State law requires any District employee who knows or suspects that a child under the age of 18 is a victim of child abuse, abandonment, sexual abuse, or neglect to immediately report that knowledge or suspicion to the Department of Children and Family Services in conformance with the mandatory reporting obligations pronounced in Section 2 of Chapter 39, Florida Statutes. The District employee should also report this suspicion to the Title IX Officer or Superintendent, who will ensure that the District has complied with all reporting procedures. If, during the course of an investigation of prohibited discrimination or harassment, the Title IX Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates such abuse, abandonment, sexual abuse, or neglect has occurred, a report of such knowledge must be made in accordance with state law.

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If the Title IX Coordinator or Title IX Officer has reason to believe that anyone has been the victim of criminal conduct as defined under Florida law, such knowledge should be reported to local law enforcement.

Any reports made to the local child protection service or to local law enforcement shall not terminate the Title IX Officer's or Title IX Coordinator's obligation and responsibility to continue to investigate a complaint of discrimination, harassment, or retaliation in violation of School Board policy. While the Title IX Officer or Title IX Coordinator may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the investigation of

Discrimination, harassment, or retaliation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent. If DCFS or law enforcement requests that the Title IX Officer pause his/her investigation, the Title IX Officer must provide written notification to the parties.

### **Sanctions and Monitoring**

The School Board shall vigorously enforce these prohibitions against discrimination, harassment, and retaliation. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable state law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Principal/designee (for students) or Executive Director of Human Resources/designee (for employees) (the "decision-maker") shall consider the totality of circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where discrimination, harassment, or retaliation is not substantiated, the decision-makers may consider whether the alleged conduct nevertheless warrants discipline in accordance with other School Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the District becomes aware that a prior remedial action has been taken against a member of the District community, all subsequent sanctions imposed by the Principal/designee or Executive Director of Human Resources/designee shall be reasonably calculated to eliminate such conduct in the future.

### **Appeals (Students)**

In order to be in compliance with Title IX regulations pertaining specifically to incidents that meet the definition of sexual harassment in schools, the following due process will be available to respondents in these investigations based on one of the enumerated above-bulleted types of sexual harassment:

If the complaint is not resolved at the school-site level to the satisfaction of the parties, either party ( or their custodial parents/guardians if the parties are minors), may seek review by the Superintendent or his/her designee through the following process:

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- The appealing party shall submit a copy of the investigative report/final decision, along with a written request for review detailing the reasons for the appeal, to the Superintendent within ten days of receiving the final written report from the Title IX Officer.
- If the Superintendent or designee is directly involved with a complaint or closely related to a party to the complaint, then the School Board or its designee shall conduct the review and/or further investigation.

Notice of the appeal shall be given in writing to the claimant and respondent (and the custodial parents/guardians of a minor party) within two days of receipt of the appeal.

The Superintendent/designee or the School Board/designee shall review the stated reasons for the appeal and all documentation pertaining to the alleged discrimination or harassment, including the Title IX Officer's investigative report and the final decision.

The Superintendent/designee or the School Board/designee, at his/her discretion, may request additional information.

The Superintendent/designee or the School Board/designee shall issue a written decision to the parties within ten business days of the appeal request.

### **Appeals (Employees and Non-Employees)**

In order to be in compliance with Title IX regulations pertaining specifically to incidents that meet the definition of sexual harassment in schools, the following due process will be available to alleged victims and respondents in these investigations based on one of the enumerated above-bulleted types of sexual harassment:

If the complaint is not resolved to the satisfaction of the parties, either party (alleged victim or respondent) may seek review by the Superintendent/designee through the following process:

- The appealing party shall submit a copy of the investigative report/final decision, along with a written request for review detailing the reasons for the appeal, to the Superintendent's office of within ten days of receiving the final written report from the Title IX Coordinator.
- If the Superintendent or designee is directly involved with a complaint or closely related to a party to the complaint, then the School Board or designee shall be asked to conduct the review and/or further investigation.

Notice of the appeal shall be given in writing to the claimant and respondent within two days of receipt of the appeal.

The Superintendent/designee or School Board/designee shall review the stated reasons for the appeal and all documentation pertaining to the alleged discrimination or harassment, including the Title IX Coordinator's investigative report and the final decision.

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The Superintendent/designee or School Board/designee, at his/her discretion, may request additional information.

The Superintendent/designee or School Board/designee shall issue a written decision to the parties within 10 business days of the appeal request.

### **Retention of Investigatory Records and Materials**

All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media created and received as part of an investigation, including, but not limited to:

- all written reports/allegations/complaints/statements;
- any written documentation of actions taken by District personnel;
- contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
- Documents, information, or evidence considered;
- written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;
- dated written determinations to the parties;
- dated written descriptions of verbal notifications to the parties;
- written documentation of any supportive measures offered and/or provided to claimants, including no contact directives or stay away agreements issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and
- documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its effects.

The information, documents, ESI, and electronic media retained may include public records and records exempt from disclosure under federal and/or state law (e.g., student records).

The information, documents, ESI, and electronic media created or received as part of an investigation shall be retained for not less than seven years, but longer if required by the District's records retention schedule.

These records should be retained by the Title IX Coordinator.

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**HISTORY:**

**ADOPTED: 08/04/20**